IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 36283 of 2004(T)

AGAINST THE ORDER DATED 29/9/04 IN IA.674/2004 IN OS.80/2000 of MUNSIFF'S COURT, TIRUR

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PETITIONER:

MUHAMMED SHAREEF, S/O. ABDU,
EDASSERI HOUSE, THRIPRANGODE, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENT:

ULLATTIL MUSTHAFA, S/O. ASSAINAR,
PURATHUR, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.B.GANGESH
SRI.ANIL GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.36283/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF PLAINT IN O.S.80/2000 OF MUNSIFF'S COURT, TIRUR, DT.6.3.2000.

EXT.P2 – TRUE COPY OF PLAINT IN O.S.145/99 DT.7.6.99 OF DO.

EXT.P3 – TRUE COPY OF AFFIDAVIT IN SUPPORT OF I.A.674/04 IN O.S.80/00 DT. 10.3.04.

EXT.P4 – TRUE COPY OF ORDER IN EXT.P3 I.A. DT.29.9.04

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.36283 OF 2004

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DATED THIS THE 18TH JUNE, 2007

J U D G M E N T

Heard both sides.

2. Even though the learned counsel for the petitioner is right when he submits that different issues arise in the two suits presently ordered to be tried jointly under Ext.P4, I am of the view that that by itself will not be justification for interfering with Ext.P4. The subject-matter is the same, the parties are the same and the nature of evidence to be adduced will also be same to a certain extent. No prejudice is going to be occasioned to the petitioner by the present order of joint trial.

The challenge against Ext.P4 fails and the Writ Petition is dismissed. No costs.

(PIUS C.KURIAKOSE, JUDGE)

tgl